REMARKS

Reconsideration and allowance of the claims are requested in view of the above amendments and the following remarks. Claims 1, 2, 5, 20, 30, 40, 47 and 59 have been amended. Support for the amendments may be found throughout the specification and the claims as originally filed. For example, support for the amendments may be found at least at paragraphs 22, 23, 25, 35 and 36 of the specification, claim 5 as originally filed, and Figure 2. No new matter has been added. Claims 56-58 and 61-73 have been canceled without prejudice or disclaimer. Upon entry of the amendment, claims 1-55 and 59-60 will be pending in the present application with claims 1, 2, 36, 40, 47 and 59 being independent.

I. Rejections Under 35 U.S.C. §102(e)

The Office Action rejects claims 1-15, 17-55, 59 and 60 under 35 U.S.C. §102(e) as being anticipated by Treyz et al. (6,526,335). Applicants respectfully traverse this rejection for at least the following reasons.

Treyz et al. discloses an automobile personal computer system which may allow users to wirelessly interact with merchants, communications facilities, information providers, computers at the home or office, and other entities. Wireless communications may involve satellite transmissions, cellular transmissions, short-range wireless transmissions, etc. An automobile's location and functions may be monitored and controlled (see abstract, FIGS. 1-4). Treyz et al. also discloses that automobiles may have dedicated electronic control systems for controlling and monitoring automobile functions. An automobile personal computer may use interface circuitry to connect to a vehicle's electronics directly, through traditional electronic control systems, to access various sensors and controls (see col. 16, lines 32-64; FIG. 4).

The Office Action on page 3 asserts that the processor of the automobile computer in Treyz et al. clearly is configured to select the various communication protocols required for communicating information from within the computer as well as for receiving and transmitting

externally since simultaneous, unidirectional/bidirectional communication with each of remote satellite links, terrestrial links and local wireless links are all suggested. However, Treyz et al. fails to disclose or suggest a microprocessor configured to select a vehicle-communication protocol used within a host vehicle, wherein the vehicle-communication protocol is selected based on a vehicle type of the host vehicle, and a vehicle communication circuit in electrical communication with the microprocessor configured to collect diagnostic data from the host vehicle using the vehicle-communication protocol.

As disclosed in the present application, a vehicle-communication protocol of a host vehicle may be selected by logic included in a vehicle-communication circuit that communicates within the host vehicle through an interface. The interface includes separate modules 25a-25f corresponding to different communication protocols for communicating with different types of vehicles (e.g., Ford, Toyota, GM, etc.) (see paragraphs 35-36; FIG. 2). The vehicle-communication protocol is selected based on compatibility with the host vehicle, and is used to collect data from within the host vehicle (e.g., from sensors in the vehicle). Therefore, the vehicle-communication protocol of the host vehicle refers to the communication protocol that is compatible with the host vehicle in order to collect data from the host vehicle. As a separate function, a first or second wireless transmitter may be selected to transmit the collected data.

In contrast to Treyz et al., independent claims 1, 2, 40, 47 and 59 include the claim elements of a microprocessor configured to select a vehicle-communication protocol used within a host vehicle, wherein the vehicle-communication protocol is selected based on a vehicle type of the host vehicle, and a vehicle communication circuit in electrical communication with the microprocessor configured to collect diagnostic data from the host vehicle using the vehicle-communication protocol. As discussed above, Treyz et al. fails to disclose or suggest these claim elements. For at least this reason, claims 1, 2, 40, 47 and 59 are allowable.

Additionally, Treyz et al. fails to disclose or suggest a single chipset that comprises a GPS module and first and second wireless transmitters, or that the single chipset comprises an ASIC. Additionally, Treyz et al. fails to disclose or suggest a single chipset that comprises first

and second wireless transmitters, or a single chipset that comprises satellite and terrestrial modems.

In contrast to Treyz et al., independent claims 1 and 36 include the claim elements of a single chipset that comprises a GPS module and first and second wireless transmitters. Independent claims 2, 40 and 47 include the claim elements of a single chipset that comprises first and second wireless transmitters. Independent claim 59 includes the claim elements of a single chipset that comprises satellite and terrestrial modems. As discussed above, Treyz et al. does not disclose or suggest these claim elements. For at least this reason, claims 1, 2, 36, 40, 47 and 59 are allowable.

Claims 3-15 and 17-35 depend from claim 2. Claims 37-39 depend from claim 36. Claims 41-46 depend from claim 40. Claims 48-55 depend from claim 47. Claim 60 depends from claim 59. As noted above, claims 2, 36, 40, 47 and 59 are allowable subject matter. For this reason, and the additional features they recite, claims 3-15, 17-35, 37-39, 41-46, 48-55 and 60 are also allowable.

Furthermore, in contrast to Treyz et al., dependent claim 30 recites that the single chipset comprises an ASIC. As discussed above, Treyz et al. does not disclose or suggest this claim element. For at least this additional reason, claim 30 is allowable.

For at least the reasons above, reconsideration and withdrawal of the rejection of claims 1-15, 17-55, 59 and 60 under 35 U.S.C. § 102(e) is respectfully requested.

II. Rejections Under 35 U.S.C. §103(a)

A. Obviousness in View of Unnold and Bouliane

The Office Action rejects claims 1-55, 59 and 60 under 35 U.S.C. § 103(a) as being unpatentable over Unnold (2004/0196182) in view of Bouliane (CA 2,133,673). Applicants respectfully traverse this rejection for at least the following reasons.

Unnold discloses an intelligent mobile asset management system for tracking and monitoring physical assets worldwide using solar cells, rechargeable battery, two-way satellite

communications, a CPU with memory, various sensors and GPS. An apparatus may be permanently mounted on a physical asset, where it reports its position and condition to a base unit (see abstract; FIG. 1). Bouliane discloses a system for transmitting an emergency GPS signal from a remote vehicle to a base station, in which a choice of cellular or satellite communication from the vehicle to the base station is available (see abstract; FIG. 1).

The Office Action on page 3 states that it would have been obvious that the CPU/system controller of the combination of Unnold and Bouliane selects the form of transmission and configures the positional information to be transmitted according to which transmitter is to be used without manual intervention. However, neither Unnold nor Bouliane, alone or in combination, disclose or suggest a microprocessor configured to select a vehicle-communication protocol used within a host vehicle, wherein the vehicle-communication protocol is selected based on a vehicle type of the host vehicle, and a vehicle communication circuit in electrical communication with the microprocessor configured to collect diagnostic data from the host vehicle using the vehicle-communication protocol.

As disclosed in the present application, a vehicle-communication protocol of a host vehicle may be selected by logic included in a vehicle-communication circuit that communicates within the host vehicle through an interface. The interface includes separate modules 25a-25f corresponding to different communication protocols for communicating with different types of vehicles (e.g., Ford, Toyota, GM, etc.) (see paragraphs 35-36; FIG. 2). The vehicle-communication protocol is selected based on compatibility with the host vehicle, and is used to collect data from within the host vehicle (e.g., from sensors in the vehicle). Therefore, the vehicle-communication protocol of the host vehicle refers to the communication protocol that is compatible with the host vehicle in order to collect data from the host vehicle. As a separate function, a first or second wireless transmitter may be selected to transmit the collected data.

In contrast to Unnold and Bouliane, independent claims 1, 2, 40, 47 and 59 include the claim elements of a microprocessor configured to select a vehicle-communication protocol used within a host vehicle, wherein the vehicle-communication protocol is selected based on a vehicle

type of the host vehicle, and a vehicle communication circuit in electrical communication with the microprocessor configured to collect diagnostic data from the host vehicle using the vehicle-communication protocol. As discussed above, Unnold and Bouliane, alone or in combination, fail to disclose or suggest these claim elements. For at least this reason, claims 1, 2, 40, 47 and 59 are allowable.

Additionally, Unnold and Bouliane, alone or in combination, fail to disclose or suggest a single chipset that comprises a GPS module and first and second wireless transmitters, or that the single chipset comprises an ASIC. Additionally, these two references fail to disclose or suggest a single chipset that comprises first and second wireless transmitters, or a single chipset that comprises satellite and terrestrial modems.

The Office Action on page 3 asserts that Unnold teaches the integral nature of the device such that the components are inseparable from one another. Applicants respectfully disagree with this assertion and request that the Examiner cite the relevant sections of the Unnold reference to support this assertion. Additionally, applicants submit that even if the assertion was correct, the Office Action still fails to make a prima facie case of obviousness to reject the claims reciting the single chipset elements. Specifically, the Office Action fails to show how Unnold teaches or suggests each and every one of the elements claimed, including a single chipset that comprises a GPS module and first and second wireless transmitters, a single chipset that comprises an ASIC, a single chipset that comprises first and second wireless transmitters, or a single chipset that comprises satellite and terrestrial modems. To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art (see MPEP 2143.03).

Applicants further submit that if it was obvious to have a single chipset that comprises a GPS module and first and second wireless transmitters, or that the single chipset comprises an ASIC, or that a single chipset comprises first and second wireless transmitters, or a single chipset that comprises satellite and terrestrial modems, then the prior art would clearly disclose such teachings.

In contrast to Unnold and Bouliane, independent claims 1 and 36 include the claim elements of a single chipset that comprises a GPS module and first and second wireless transmitters. Independent claims 2, 40 and 47 include the claim elements of a single chipset that comprises first and second wireless transmitters. Independent claim 59 includes the claim elements of a single chipset that comprises satellite and terrestrial modems. As discussed above, Unnold and Bouliane do not disclose or suggest these claim elements. For at least this reason, claims 1, 2, 36, 40, 47 and 59 are allowable.

Claims 3-35 depend from claim 2. Claims 37-39 depend from claim 36. Claims 41-46 depend from claim 40. Claims 48-55 depend from claim 47. Claim 60 depends from claim 59. As noted above, claims 2, 36, 40, 47 and 59 are allowable subject matter. For this reason, and the additional features they recite, claims 3-35, 37-39, 41-46, 48-55 and 60 are also allowable.

Furthermore, in contrast to Unnold and Bouliane, dependent claim 30 recites that the single chipset comprises an ASIC. As discussed above, Unnold and Bouliane do not disclose or suggest this claim element. For at least this additional reason, claim 30 is allowable.

For at least the reasons above, reconsideration and withdrawal of the rejection of claims 1-55, 59 and 60 are respectfully requested.

B. Obviousness in View of Weisshaar et al., Chou, Welles, II et al. or Kennedy, III et al.

The Office Action rejects claims 1-55, 59 and 60 under 35 U.S.C. § 103(a) as being unpatentable over Weisshaar et al. (2003/0130005) in view of Chou (2002/0177476), Welles, II et al. (5,491,486) or Kennedy, III et al. (6,240,295). Applicants respectfully traverse this rejection for at least the following reasons.

Weisshaar et al. discloses a method of selecting a communication interface (e.g., cellular, satellite, etc.) to transmit data in a wireless communication network. Weisshaar et al. discloses polling at least one communication interface among a plurality of communication interfaces to determine whether the polled communication interface is available (see abstract; FIG. 1). Chou,

Welles, II et al. or Kennedy, III et al. each disclose use of solar cells to charge a battery in a mobile communication device.

The Office Action on page 4 indicates that in view of the fact that satellite, terrestrial and local wireless communication links utilize different protocols, it is clear that the connection manager of the processing system of the device in Weisshaar configures the communication interfaces in accordance with achieving optimization of transmission. However, Weisshaar, Chou, Welles, II et al. and Kennedy, III et al., alone or in combination, fail to disclose or suggest a microprocessor configured to select a vehicle-communication protocol used within a host vehicle, wherein the vehicle-communication protocol is selected based on a vehicle type of the host vehicle, and a vehicle communication circuit in electrical communication with the microprocessor configured to collect diagnostic data from the host vehicle using the vehicle-communication protocol.

As disclosed in the present application, a vehicle-communication protocol of a host vehicle may be selected by logic included in a vehicle-communication circuit that communicates within the host vehicle through an interface. The interface includes separate modules 25a-25f corresponding to different communication protocols for communicating with different types of vehicles (e.g., Ford, Toyota, GM, etc.) (see paragraphs 35-36; FIG. 2). The vehicle-communication protocol is selected based on compatibility with the host vehicle, and is used to collect data from within the host vehicle (e.g., from sensors in the vehicle). Therefore, the vehicle-communication protocol of the host vehicle refers to the communication protocol that is compatible with the host vehicle in order to collect data from the host vehicle. As a separate function, a first or second wireless transmitter may be selected to transmit the collected data.

In contrast to Weisshaar, Chou, Welles, II et al. and Kennedy, III et al., independent claims 1, 2, 40, 47 and 59 include the claim elements of a microprocessor configured to select a vehicle-communication protocol used within a host vehicle, wherein the vehicle-communication protocol is selected based on a vehicle type of the host vehicle, and a vehicle communication circuit in electrical communication with the microprocessor configured to collect diagnostic data

from the host vehicle using the vehicle-communication protocol. As discussed above, Weisshaar, Chou, Welles, II et al. and Kennedy, III et al., alone or in combination, fail to disclose or suggest these claim elements. For at least this reason, claims 1, 2, 40, 47 and 59 are allowable.

Additionally, Weisshaar, Chou, Welles, II et al. and Kennedy, III et al., alone or in combination, fail to disclose or suggest a single chipset that comprises a GPS module and first and second wireless transmitters, or that the single chipset comprises an ASIC. Additionally, these references fail to disclose or suggest a single chipset that comprises first and second wireless transmitters, or a single chipset that comprises satellite and terrestrial modems.

The Office Action on page 4 asserts that in view of the trend to minimize electronic components, the use of single chipsets/ASICs is clearly obvious and within the purview of the prior art and the skill of an artisan. Applicants respectfully disagree with this assertion and submit that even if the assertion was correct, the Office Action still fails to make a prima facie case of obviousness to reject the claims reciting the single chipset elements. Specifically, the Office Action fails to show how the prior art teaches or suggests each and every one of the elements claimed, including a single chipset that comprises a GPS module and first and second wireless transmitters, a single chipset that comprises an ASIC, a single chipset that comprises first and second wireless transmitters, or a single chipset that comprises satellite and terrestrial modems. To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art (see MPEP 2143.03).

Applicants further submit that if it was obvious to have a single chipset that comprises a GPS module and first and second wireless transmitters, or that the single chipset comprises an ASIC, or that a single chipset comprises first and second wireless transmitters, or a single chipset that comprises satellite and terrestrial modems, then the prior art would clearly disclose such teachings.

In contrast to Weisshaar, Chou, Welles, II et al. and Kennedy, III et al., independent claims 1 and 36 include the claim elements of a single chipset that comprises a GPS module and

first and second wireless transmitters. Independent claims 2, 40 and 47 include the claim elements of a single chipset that comprises first and second wireless transmitters. Independent claim 59 includes the claim elements of a single chipset that comprises satellite and terrestrial modems. As discussed above, Weisshaar, Chou, Welles, II et al. and Kennedy, III et al., do not disclose or suggest these claim elements. For at least this reason, claims 1, 2, 36, 40, 47 and 59 are allowable.

Claims 3-35 depend from claim 2. Claims 37-39 depend from claim 36. Claims 41-46 depend from claim 40. Claims 48-55 depend from claim 47. Claim 60 depends from claim 59. As noted above, claims 2, 36, 40, 47 and 59 are allowable subject matter. For this reason, and the additional features they recite, claims 3-35, 37-39, 41-46, 48-55 and 60 are also allowable.

Furthermore, in contrast to Weisshaar, Chou, Welles, II et al. and Kennedy, III et al., dependent claim 30 recites that the single chipset comprises an ASIC. As discussed above, Weisshaar, Chou, Welles, II et al. and Kennedy, III et al., do not disclose or suggest this claim element. For at least this additional reason, claim 30 is allowable.

For at least the reasons above, reconsideration and withdrawal of the rejection of claims 1-55, 59 and 60 under 35 U.S.C. § 103(a) is respectfully requested.

C. Obviousness in View of Chou and Nathanson

The Office Action rejects claims 1-55, 59 and 60 under 35 U.S.C. § 103(a) as being unpatentable over Chou in view of Nathanson (2002/0150050). Applicants respectfully traverse this rejection for at least the following reasons.

Chou discloses a communication system for tracking an asset globally that accesses multiple communication networks and switches among them, choosing the most economic, available communication mode without need for a constant power supply (see abstract; FIG. 1). Nathanson discloses a method of conveying vehicle operation data from a vehicle to a remote monitoring recipient, comprising the steps of establishing a data link between the vehicle and the remote monitoring recipient; collecting vehicle operation data from data sources in the vehicle;

packaging the data; and conveying the data over the data link (see abstract).

The Office Action on page 4 asserts that in view of the fact that Chou evaluates communications between the host vehicle and remote services, and selectively controls the form of communication in response thereto, it is deemed that the processor module of Chou meets the scope of the claimed microprocessor for selecting vehicle communication protocol. However, Chou fails to disclose or suggest a microprocessor configured to select a vehicle-communication protocol used within a host vehicle, wherein the vehicle-communication protocol is selected based on a vehicle type of the host vehicle, and a vehicle communication circuit in electrical communication with the microprocessor configured to collect diagnostic data from the host vehicle using the vehicle-communication protocol.

As disclosed in the present application, a vehicle-communication protocol of a host vehicle may be selected by logic included in a vehicle-communication circuit that communicates within the host vehicle through an interface. The interface includes separate modules 25a-25f corresponding to different communication protocols for communicating with different types of vehicles (e.g., Ford, Toyota, GM, etc.) (see paragraphs 35-36; FIG. 2). The vehicle-communication protocol is selected based on compatibility with the host vehicle, and is used to collect data from within the host vehicle (e.g., from sensors in the vehicle). Therefore, the vehicle-communication protocol of the host vehicle refers to the communication protocol that is compatible with the host vehicle in order to collect data from the host vehicle. As a separate function, a first or second wireless transmitter may be selected to transmit the collected data.

In contrast to Chou and Nathanson, independent claims 1, 2, 40, 47 and 59 include the claim elements of a microprocessor configured to select a vehicle-communication protocol used within a host vehicle, wherein the vehicle-communication protocol is selected based on a vehicle type of the host vehicle, and a vehicle communication circuit in electrical communication with the microprocessor configured to collect diagnostic data from the host vehicle using the vehicle-communication protocol. As discussed above, Chou and Nathanson, alone or in combination, fail to disclose or suggest these claim elements. For at least this reason, claims 1, 2, 40, 47 and

59 are allowable.

Additionally, Chou and Nathanson, alone or in combination, fail to disclose or suggest a single chipset that comprises a GPS module and first and second wireless transmitters, or that the single chipset comprises an ASIC. Additionally, these references fail to disclose or suggest a single chipset that comprises first and second wireless transmitters, or a single chipset that comprises satellite and terrestrial modems.

The Office Action on page 4 asserts that in view of the trend to minimize electronic components, the use of single chipsets/ASICs is clearly obvious and within the purview of the prior art and the skill of an artisan. Applicants respectfully disagree with this assertion and submit that even if the assertion was correct, the Office Action still fails to make a prima facie case of obviousness to reject the claims reciting the single chipset elements. Specifically, the Office Action fails to show how the prior art teaches or suggests each and every one of the elements claimed, including a single chipset that comprises a GPS module and first and second wireless transmitters, a single chipset that comprises an ASIC, a single chipset that comprises first and second wireless transmitters, or a single chipset that comprises satellite and terrestrial modems. To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art (see MPEP 2143.03).

Applicants further submit that if it was obvious to have a single chipset that comprises a GPS module and first and second wireless transmitters, or that the single chipset comprises an ASIC, or that a single chipset comprises first and second wireless transmitters, or a single chipset that comprises satellite and terrestrial modems, then the prior art would clearly disclose such teachings.

In contrast to Chou and Nathanson, independent claims 1 and 36 include the claim elements of a single chipset that comprises a GPS module and first and second wireless transmitters. Independent claims 2, 40 and 47 include the claim elements of a single chipset that comprises first and second wireless transmitters. Independent claim 59 includes the claim elements of a single chipset that comprises satellite and terrestrial modems. As discussed above,

Chou and Nathanson do not disclose or suggest these claim elements. For at least this reason, claims 1, 2, 36, 40, 47 and 59 are allowable.

Claims 3-35 depend from claim 2. Claims 37-39 depend from claim 36. Claims 41-46 depend from claim 40. Claims 48-55 depend from claim 47. Claim 60 depends from claim 59. As noted above, claims 2, 36, 40, 47 and 59 are allowable subject matter. For this reason, and the additional features they recite, claims 3-35, 37-39, 41-46, 48-55 and 60 are also allowable.

Furthermore, in contrast to Chou and Nathanson, dependent claim 30 recites that the single chipset comprises an ASIC. As discussed above, Chou and Nathanson do not disclose or suggest this claim element. For at least this additional reason, claim 30 is allowable.

For at least the reasons above, reconsideration and withdrawal of the rejection of claims 1-55, 59 and 60 under 35 U.S.C. § 103(a) is respectfully requested.

D. Obviousness in View of Treyz et al., Kennedy, III et al., Chou or Welles, II et al.

The Office Action rejects claim 16 under 35 U.S.C. § 103(a) as being unpatentable over Treyz et al. in view of Kennedy, III et al., Chou or Welles, II et al. Applicants respectfully traverse this rejection for at least the following reasons.

Treyz et al. discloses an automobile personal computer system which may allow users to wirelessly interact with merchants, communications facilities, information providers, computers at the home or office, and other entities. Wireless communications may involve satellite transmissions, cellular transmissions, short-range wireless transmissions, etc. An automobile's location and functions may be monitored and controlled (see abstract, FIGS. 1-4). Treyz et al. also discloses that automobiles may have dedicated electronic control systems for controlling and monitoring automobile functions. An automobile personal computer may use interface circuitry to connect to a vehicle's electronics directly, through traditional electronic control systems, to access various sensors and controls (see col. 16, lines 32-64; FIG. 4). Kennedy, III et al., Chou and Welles, II et al. each disclose use of solar cells to charge a battery in a mobile

communication device.

However, Treyz et al., Kennedy, III et al., Chou and Welles, II et al. fail to disclose or suggest a microprocessor configured to select a vehicle-communication protocol used within a host vehicle, wherein the vehicle-communication protocol is selected based on a vehicle type of the host vehicle, and a vehicle communication circuit in electrical communication with the microprocessor configured to collect diagnostic data from the host vehicle using the vehicle-communication protocol.

As disclosed in the present application, a vehicle-communication protocol of a host vehicle may be selected by logic included in a vehicle-communication circuit that communicates within the host vehicle through an interface. The interface includes separate modules 25a-25f corresponding to different communication protocols for communicating with different types of vehicles (e.g., Ford, Toyota, GM, etc.) (see paragraphs 35-36; FIG. 2). The vehicle-communication protocol is selected based on compatibility with the host vehicle, and is used to collect data from within the host vehicle (e.g., from sensors in the vehicle). Therefore, the vehicle-communication protocol of the host vehicle refers to the communication protocol that is compatible with the host vehicle in order to collect data from the host vehicle. As a separate function, a first or second wireless transmitter may be selected to transmit the collected data.

In contrast to Treyz et al., Kennedy, III et al., Chou and Welles, II et al., independent claim 2 includes the claim elements of a microprocessor configured to select a vehicle-communication protocol used within a host vehicle, wherein the vehicle-communication protocol is selected based on a vehicle type of the host vehicle, and a vehicle communication circuit in electrical communication with the microprocessor configured to collect diagnostic data from the host vehicle using the vehicle-communication protocol. As discussed above, Treyz et al., Kennedy, III et al., Chou and Welles, II et al., alone or in combination, fail to disclose or suggest these claim elements. For at least this reason, claim 2 is allowable.

Additionally, as discussed above, Treyz et al., Kennedy, III et al., Chou and Welles, II et al., alone or in combination, fail to disclose or suggest a single chipset that comprises first and

second wireless transmitters, as recited in claim 2. For at least this reason, claim 2 is allowable.

Claim 16 indirectly depends from claim 2. As noted above, claim 2 is allowable subject matter. For this reason, and the additional features recited therein, claim 16 is also allowable.

For at least the reasons above, reconsideration and withdrawal of the rejection of claim 16 under 35 U.S.C. § 103(a) are respectfully requested.

III. Conclusion

Applicants submit that the present application is in condition for allowance and respectfully requests favorable action in the form of a Notice of Allowance. Should the Examiner believe that this application is in condition for disposition other than allowance, the Examiner is invited to contact the undersigned at the telephone number listed below in order to address the Examiner's concerns.

Please apply any necessary additional charges or credits to Deposit Account 50-1721.

Respectfully submitted,

Date: 22 Dec 05

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